Court NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 4778 OF 2001 (S/S)

U.P. State Road Transport Corporation
Through its Regional Manager, Dehradun
…….. Petitioner

Versus

1. Presiding Officer, Labour Court, Dehradun
2. Sudeshwar Prasad S/o Prayag Dutt Sharma,
R/o H.N.5/893, Mohalla Mirkot, Distt. Saharanpur
……. Respondents

Shri A.N. Sharma, learned counsel for the petitioner.
Shri B.P.S. Mer holding brief of Shri M.C. Pant, learned counsel for Respondent No.2.

Dated: 06.09.2005

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 17.07.2001 passed by Respondent No. 1- in Misc. Case No. 72 of 2001.

Brief facts of the case according to the petitioner are that a claim application was filed by Respondent No.2 under Section 33-C(2) of Industrial Disputes Act for payment of arrears of difference of salary, leave encashment and arrears of Dearness Allowances arose out of implementation of the recommendations of the Vth Pay Commission to the petitioner department. The Learned Tribunal after considering the entire evidence on record ordered the petitioner to pay an amount of Rs. 3,446/- to the workmen within a period of two months' in respect of payment of arrears due to pay fixation and payment of leave encashment alongwith the cost of Rs.500/- as

litigation expenses. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for the parties and perused the entire evidence on record.

The learned Tribunal has rightly recorded the finding and reached to the conclusion that since the workman was retired from the service, hence, the delay in making the payment was not justified because by the said conduct of the petitioner, the workman was being deprived of from his legal right. Accordingly, the learned Tribunal ordered the petitioner to pay an amount of Rs.3,446/- to the employee-workman alongwith Rs.500/- as litigation expenses within two months.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang